

I. Inmate Rights, Rules, and Discipline

I-100 INMATE RIGHTS

Standards: U.S. Constitution, Wisconsin State Statute 301.33

Effective Date: ____Feb 3, 2003

Revision Date: ____5/16/03, 1/22/11

I. POLICY

It is the policy of the Polk County Jail to recognize that inmates have certain rights relative to the conditions of their confinement, subject only to the facility limitations to maintain safety and security.

II. DEFINITIONS

A. **Grievance** – a cause of distress affording reason for complaint or resistance.

III. PROCEDURES

A. Access to Courts

1. Facility inmates will be provided the right to access the courts, attorneys, and government officials.
2. This access will not be hindered or restricted in the operation of the facility in any way.
3. The right of access to the courts minimally provides that inmates have the right to present any issue, including the following:
 - a. Challenging the legality of conviction or confinement
 - b. Seeking redress for illegal conditions or treatment while under correctional control
 - c. Pursuing remedies in connection with civil legal problems
 - d. Asserting against correctional or other government authority any other rights protected by constitutional or statutory provision or common law.
 - i. Inmates seeking judicial relief will not be subjected to reprisals or penalties because of the decision to seek such relief.

B. Contact with Legal Representation

1. Facility inmates have the right to maintain contact with attorneys, their representatives, or experts retained by them.
2. Contact is maintained through:
 - a. Uncensored correspondence
(Legal mail may be opened by an officer, in the presence of the inmate, for inspections to check for contraband or monies. The mail will not be read.)
 - b. Telephone communications
 - c. Visits
3. Contacts will be limited only as necessary to maintain order and security within the facility.
4. Inmates have the right to request assistance from a public defender,

or to choose any attorney they wish.

- C. Access to Legal Services
 - 1. Each day the courts are in session, the Public Defender's Office will be provided with the names of new in-custody inmates.
 - 2. A Public Defender makes contact with the new in-custody inmates either at the facility, or in the courtroom. Meeting with an in-custody inmate is the responsibility of the Public Defender.
 - 3. A Public Defender determines if the inmate is eligible for representation by the Public Defender's Office. If eligible, the court will appoint a public defender.
 - 4. Appointment of legal counsel is the responsibility of the court, not the jail.
- D. Access to Grievance Procedure
 - 1. Inmates are provided a grievance procedure as an administrative means for the expression and resolution of issues relating to personal health and welfare, or the operations and services of the facility.
 - 2. An inmate requesting to file a grievance will follow guidelines set forth in Policy and Procedures I-200, Inmate Grievance Procedure.
- E. Equal Access to Programs and Services
 - 1. The facility provides qualified inmates (limitations being based on the inmate's classification and disciplinary status) an equal opportunity to attend or participate in all programs and services offered without regard to an inmate's race, religion, national origin, sex, handicap or political views.
 - 2. Inmates will request to participate in programs or services by completing a Polk County Jail Program Participation Contract and/or General Request Form when required.
 - 3. Male and female inmates are provided separate sleeping quarters, but equal access to all available programs and services. Neither sex is denied opportunities solely on the basis of their smaller number in the jail population.
- F. Access to Media
 - 1. The facility recognizes the right of the inmates to communicate or correspond with persons and/or organizations associated with the media.
 - 2. Any limitations will be based on the need to maintain order and security of the facility.
- G. Diplomatic Representation
 - 1. The facility will provide assistance to foreign nationals to contact the diplomatic representatives of their country of citizenship.
 - 2. See Policy and Procedures B-100, Intake.
- H. Protection From Harm
 - 1. Under no circumstances will an inmate be punished by a denial of the following:
 - a. Three normal meals per day
 - b. All normal facility clothing and linens (except in destruction of same, or as medical/mental health needs may determine)
 - c. A blanket, pillow and mattress (except in destruction of

- same, or as medical/mental health needs may determine)
 - d. Changes of linens and uniforms according to the facility schedule.
 - e. Access to sick call
 - f. Items necessary for maintaining personal hygiene, such as soap, towels and toilet paper
 - g. Writing materials and legal material
 - h. Regular mail pick-up and delivery
 - i. Access to attorneys and clergy
- 2. Medical care is never to be withheld from any inmate.
 - a. Inmates have the right to be separated from other inmates with suspected communicable diseases.
 - b. A separate medical housing unit will be maintained to house and treat inmates with those diseases.
- 3. Only the amount of physical force necessary & reasonable to maintain order and contain disturbances will be used.
 - a. Under no circumstances will an inmate disturbance be used as a pretext to inflict unnecessary physical and corporal punishment.
 - b. Inmates who are a threat to other inmates will be separated from the general population according to the approved facility procedure.
- 4. Inmates held in disciplinary or administrative segregation, or separated from general population due to health care issues, will remain secure in their constitutional rights.
- 5. Under no circumstances will any inmate be the object of verbal, physical, emotional, psychological or sexual harassment by facility staff. Any officer engaged in such actions is subject to disciplinary charges and/or termination.
- 6. All inmates have the right to maintain personal property, both in storage and living areas. The amount and type of personal property may be determined by the facility.
- 7. In the event an inmate believes his/her rights have been violated, they may seek legal redress without threat, retaliation or sanction.
 - a. Any inmate may proceed against the facility either through their attorney, through their own efforts or through the facility grievance procedure outlined in I-200 below.
- I. Freedom in Personal Grooming
 - 1. Inmates are permitted freedom in personal grooming as long as their appearance does not conflict with the requirements for:
 - a. Safety
 - b. Security
 - c. Identification
 - d. Hygiene
 - 2. Any time an inmate's appearance is significantly changed or altered, the inmate's photograph will be taken and added to the facility's records.
 - 3. The following are made available to inmates for personal grooming:
 - a. Haircuts and/or beard trims

- b. Razors for shaving
 - c. Personal hygiene items
 - d. Showers
- J. State Standards
- 1. Polk County will attempt to maintain full compliance with the standards set forth in Wisconsin Department of Corrections (DOC) Chapter 350, and Wisconsin State Statutes 302.365, 302.27.
 - 2. Chapter 350 establishes minimum standards for:
 - a. Design and construction of jails
 - b. Maintaining sanitary and safe conditions in jails
 - c. Security of jails
 - d. Due process protections for inmates
 - e. Disciplinary proceedings for inmates
 - f. Development of written inmate program standards
 - 3. Wisconsin State Statute 302.365 regulates program standards:
 - a. Policies and procedures for screening inmates for medical illnesses, mental illnesses, developmental disabilities and alcohol or other drug abuse problems.
 - b. Identification of facilities and programs providing services for inmates.
 - c. Policies and procedures for providing educational programs for inmates under 18 years of age.
 - d. Crisis intervention services.
 - 4. Wisconsin State Statute 302.27 regulates the maintenance of the facility and the care of the inmates:
 - a. The facility shall be kept clean and in a healthful condition
 - b. Personal cleanliness of the inmate shall be monitored
 - c. Inmate clothing shall be properly laundered.
 - d. Each inmate will be provided clean water, towels and bedding
 - e. Each inmate shall receive three (3) nutritious meals
 - f. The following shall be provided:
 - 1. Necessary bedding
 - 2. Clothing
 - 3. Toilet facilities
 - 4. Light
 - 5. Heat
 - g. Inmates may be used in the maintaining of and the housekeeping of the facility.